Jurisdictional Statement

81-614

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NO._____

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1981

WILLIAM J. GEDEON,

appellant,

vs.

CARROLYN L. GEDEON,
Now known as Carrie L. Rose,

appellee,

ON APPEAL FROM THE SUPREME COURT OF

THE STATE OF COLORADO

JURISDICTIONAL STATEMENT

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QUESTIONS PRESENTED BY THE APPEAL

This appeal, which is taken from a case involving the interpretation and application of the Uniform Enforcement of Foreign Judgments Act as it exists in Colorado, presents two basic questions:

A) Whether Colorado's Uniform Enforcement of Foreign Judgments Act is in violation of the United States Constitution, in that it denies due process of law to the appellant because of its inadequate notice provisions.

B) Whether the Colorado Courts' interpretation and application of the Uniform Enforcement of Foreign Judgments Act violated appellant's rights of due process, and specifically whether the Colorado Courts recognized a judgment of

another state which foreign judgment had been rendered in violation of appellant's rights to due process.

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October Term, 1981

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vs.	)	ON APPEAL FROM THE SUPREME COURT OF THE STATE OF COLORADO
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JURISDICTIONAL STATEMENT

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B) Whether the Colorado Courts' interpretation and application of the Uniform Enforcement of Foreign Judgments Act violated appellant's rights of due process, and specifically whether the Colorado Courts recognized a judgment of another state which foreign judgment had been rendered in violation of appellant's rights to due process.

PARTIES TO THE PROCEEDING

The parties to this proceeding are as they are listed in the caption of the

case, with the addition that since this case involves the question of the constitutionality of a Colorado statute, 28, U.S.C. §2403(b) may be applicable. Neither the State of Colorado, nor any agency officer or employee thereof is a party. However, the Attorney General of Colorado, pursuant to Colorado statute, has been served with all pleadings in this case as it has proceeded below, and shall be served with all pleadings, motions and papers filed in this Court.

OPINION BELOW

The opinion which is being appealed is Carrolyn L. Gedeon v. William J. Gedeon, ____ Colo. _____, 631 P.2d 579 (en banc 1981). A copy of the opinion is attached hereto in the appendix.

GROUNDS OF JURISDICTION

A. This appeal is being taken from an opinion of the Supreme Court of the State of Colorado which affirmed a judgment of the District Court of the City and County of Denver.

B. The opinion of the Colorado Supreme Court was handed down on June 1, 1981. On June 22, 1981, the Colorado Supreme Court denied the appellant's petition for rehearing. Appellant filed his notice of appeal in the Colorado Supreme Court on September 17, 1981.

C. This Court has jurisdiction of this appeal by virtue of 28 U.S.C. §1257, since the case involves a challenge to the constitutionality of a state statute which challenge was denied by the Colorado Supreme Court.

CONSTITUTIONAL PROVISIONS AND STATUTE INVOLVED

This appeal involves the Colorado Enforcement of Foreign Judgments Act, §13-53-101, et seq., C.R.S. 1973, a copy of which is appended hereto. The appeal also involves: a) Amendment V to the United States Constitution which states that no person shall be deprived of life, liberty or property without due process of law; b) Amendment XIV to the United States Constitution which states that no state shall deprive any person of life, liberty or property without due process of law; c) Article IV Sec. 1, of the United States Constitution which states that Full Faith and Credit shall be given in each state to the public acts, records and judicial proceedings of every other state.

STATEMENT OF THE CASE

This is an action for enforcement of a foreign judgment, seeking recognition and enforcement in the District Court in and for the County of Denver in the State of Colorado of a judgment that was originally rendered in the State of New Mexico. The action was brought by the appellee, Carrie L. Rose, and the amount of the judgment sought to be enforced was $13,750.00.

In June of 1979, after a hearing before the Colorado trial court, judgment was entered against the appellant in the amount of $13,750.00. A motion to alter or amend the judgment, filed by Mr. Gedeon, was denied on July 12, 1979, and an appeal was taken to the Supreme Court of the State of Colorado.

By its opinion dated June 1, 1981, a copy of which is attached hereto in the appendix, the Supreme Court of the State of Colorado affirmed the judgment of the trial court. On June 22, 1981, the Supreme Court of the State of Colorado denied appellant's petition for rehearing.

This appeal emanates from a protracted and complicated dispute between the appellant and the appellee over the issue of the custody of their two minor children. After an initial child custody decree in the State of Colorado in May of 1978, that awarded the daughter to the appellee and the son to the appellant, the appellee, while both children were with her pursuant to visitation rights under the Colorado decree, commenced an action to modify

the decree in the District Court of Bernalillo County, New Mexico, in September of 1978, and refused to return the minor son to the appellant. After several hearings were held and pleadings were filed in New Mexico, the trial court there entered an order on December 13, 1978, which, in effect, awarded custody of both children to the appellee. Mr. Gedeon refused to honor the New Mexico order, primarily because he did not ever agree to it, even though his New Mexico counsel purportedly "stipulated" to it. Furthermore, after Mr. Gedeon received visitation with both children in Christmas of 1978, he refused to return them to the appellee, who thereupon began contempt proceedings against the appellant in the trial court in New Mexico. This action resulted in

the trial court finding Mr. Gedeon (in absentia) in contempt of court, and imposing a fine upon him of $500.00 per day until such time as he returned both children to the State of New Mexico. Other fines, attorney's fees and costs were also imposed on the appellant by the New Mexico trial court.

After a period of time had passed during which Mr. Gedeon had not obeyed the New Mexico trial court's order, the appellee reduced $13,750.00 of the fines, costs and fees to judgment in the New Mexico trial court. Following that, the appellee filed the New Mexico judgments in the Colorado trial court pursuant to Colorado's Uniform Enforcement of Foreign Judgments Act, §13-53-101, et seq., C.R.S. 1973. It is Colorado's recognition and intended

enforcement of these judgments which is being appealed.

The questions which are present in this appeal were raised by the appellant in both the Colorado trial court and the Colorado Supreme Court. The appellant argued, both orally and in written motions in the trial court, that the New Mexico judgment should not be recognized because it was rendered in violation of the appellant's constitutional right of due process of law. The trial court refused to hear any evidence on that issue because, stated the court, that would involve re-trying the case "on the merits." The Supreme Court of Colorado, in its decision on this issue, reasoned that the appellant had voluntarily appeared in the New Mexico Court, was represented by counsel in that court,

and thus could not validly claim any due process denials since a child custody proceeding is a continuing process. The Colorado Supreme Court did not at any place in its opinion deal with appellant's contention that he was being subjected to criminal contempt proceedings instead of civil contempt proceedings.

Appellant's contention that the Colorado Uniform Enforcement of Foreign Judgments Act is unconstitutional because it does not provide for adequate notice to the judgment debtor was raised - unsuccessfully - by the appellant in the trial court, both by way of written motions and orally. The claim of unconstitutionality was denied by the trial court; it was raised again by way of briefs and oral argument in the Colorado Supreme Court. In its handling

of the constitutional issue, the Colorado Supreme Court reasoned that the notice requirements of the Colorado statute "amply protect appellant's due process rights," and that, moreover, there is a difference in such notice requirements based upon whether the case involves pre-judgment or post-judgment proceedings. The Colorado Supreme Court, nevertheless, also offered by way of a dictum, "It is not entirely clear what precisely due process requires by way of procedures for post-judgment filings such as this." In a footnote to this statement the Colorado Supreme Court offered the apparent conflict between Endicott Johnson Corp. v. Encyclopedia Press, Inc., 266 U.S. 285

(1924) and Griffin v. Griffin, 327 U.S. 220 (1946).

THE FEDERAL QUESTIONS ARE SUBSTANTIAL

The appellant respectfully submits that based upon what already appears in this statement, it is clear that substantial federal questions are involved, which require plenary consideration, briefs on the merits, and oral argument for their resolution.

Obviously, the principal federal question is the challenge to the constitutionality of the Colorado statute, which requires only that a foreign judgment be filed in a district court in Colorado, and that notice of this filing be given "promptly" by the Clerk by regular mail to the last known address of the judgment debtor. Once these procedures are accomplished, and

ten days have passed, execution and enforcement of the judgment may be commenced.

The appellant submits that these notice requirements raise serious questions as to the constitutionality of the Colorado statute, since it is highly questionable whether such procedures are "reasonably calculated to inform" the judgment debtor of the procedure. See Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306 (1950). Appellant further submits that this particular question is in need of clarification by the Court, both as a result of the apparent inconsistencies between Endicott Johnson Corp. v. Encyclopedia Press, Inc., supra, and Griffin v. Griffin, supra, as well as the fairly recent opinions of the Court in such

cases as Sniadich v. Family Finance Corp., 395 U.S. 337 (1969) and Fuentes v. Shevin, 407 U.S. 67 (1972). As the Colorado Supreme Court noted in its opinion, what kind of notice is required in this instance is not entirely clear.

In addition, the appellant respectfully submits that this appeal raises substantial federal questions involving the extent, under the Full Faith and Credit Clause of the United States Constitution, to which the Colorado courts are bound to recognize blindly a judgment of a sister state which the appellant has attacked on grounds of denial of due process.

CONCLUSION

Appellant submits that this appeal brings before the Court substantial federal questions which require plenary

consideration, with briefs on the merits and oral argument, for their consideration.

Respectfully submitted,

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Attorney for Appellant

CERTIFICATE OF SERVICE

This is to certify that I have duly served the within Jurisdictional Statement upon all parties herein by depositing copies of same in the United States mail, postage prepaid, at Denver, Colorado, this ____ day of _____, 1981, addressed as follows:

Tallmadge, Tallmadge, Wallace & Hahn
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Office of the Attorney General of
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Attention: J. Stephen Phillips
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1525 Sherman Street
Denver, Colorado 80203

Carrolyn L. GEDEON, Now known as
Carrie L. Rose, Petitioner-Appellee,

v.

William J. GEDEON,
Respondent-Appellant.

No. 79SA398

Supreme Court of Colorado.

June 1, 1981.

Rehearing Denied June 22, 1981.

Tallmadge, Tallmadge, Wallace & Hahn, P.C., Edward J. Walsh, Jo Ann Weinstein, Denver, for petitioner-appellee.

George A. Hinshaw, Aurora, Stuart S. Keown, Westminster, for respondent-appellant.

LEE, Justice.

Appellant, William J. Gedeon, appeals an order of the Denver District Court recognizing certain money

judgments from the State of New Mexico under the Uniform Enforcement of Foreign Judgments Act (the Act), section 13-53-101 et seq., C.R.S. 1973, and denying a motion to dismiss the action. We affirm.

This case is the result of a long and complicated series of actions which arose out of the divorce of William J. Gedeon (father) from Carrolyn L. Gedeon (mother) and the child custody decree resulting from that proceeding. The divorce decree and child custody order were entered in April of 1978 in the Arapahoe County District Court, which ordered that the daughter of the couple was to be placed in the custody of the mother and the son in the custody of the father. Liberal visitation privileges

were granted. Prior to the grant of the final decree of divorce, the mother moved to New Mexico. However, she stipulated and consented to the continuing jurisdiction of the Arapahoe County District Court in the matter of child custody.

In August 1978, the son visited his mother in New Mexico, as required by the terms of the Colorado custody decree. During this visitation period, the mother filed suit in the District Court of Bernalillo County, New Mexico, seeking permanent custody of both children. That court granted temporary custody of the children to the mother. The father appeared by counsel and challenged the jurisdiction of the New Mexico court, citing the Arapahoe County

District Court order and the stipulation of the mother consenting to the continuing jurisdiction of the Colorado court. During the pendency of the New Mexico action, the father, through his attorneys, filed a motion to dissolve the order granting temporary custody of the children to the mother, which was denied by the court. The father counter-petitioned for an order awarding custody of both children to him.[1] He

1. On December 7, 1978, the father filed a petition for a writ of prohibition in the New Mexico Supreme Court to prevent the Bernalillo County District Court from further hearing the matter. A temporary stay was granted by one Justice of the New Mexico Supreme Court, but was voluntarily dissolved by the petitioner on December 11, 1978, be fore the matter was heard by the entire New Mexico Supreme Court.

also moved for summary judgment based upon the pendency of the Colorado action.

During the course of the New Mexico proceeding, negotiations were carried on by the parties and their attorneys to settle the custody controversy. The negotiations resulted in a stipulated Order of Custody, Visitation and Support, entered by the court on December 13, 1978. The order granted joint custody in both parties, with the primary physical custody in the mother. The order spelled out with particularity the visitation arrangements with the father in Colorado, provided for support for the minor children, and terminated alimony payments to the mother. It specifically noted the agreement of the parties to be bound by its provisions

concerning custody, visitation and support both in the New Mexico action and the Colorado action.

The children subsequently visited with the father in Colorado for Christmas. He refused to return the children to the mother after the legal visitation had ended. On December 27, 1978, the father filed an affidavit in the New Mexico court, charging that his New Mexico counsel had stipulated to the order of child custody without authorization and that the order was therefore invalid.[2]

2. The record contains specific findings of fact by the New Mexico courat that he father was present and participated in the negotiations that resulted in the Order of Custody, Visitation and Support and was aware of and agreed to the material provisions of the stipulated order of court.

On January 5, 1979, the New Mexico court entered an order to show cause why the father should not be held in contempt for violation of the December 13, 1978, custody agreement.[3] The New Mexico court found, contrary to the

3. In the meantime, the father had started proceedings again in the Arapahoe County District Court seeking to have that court enforce its orginal order of custody. An original proceeding was filed in the Colorado Supreme Court by the mother, seeking a writ of prohibition and mandamus prohibiting the Arapahoe County District Court from exercising jurisdiction in the matter. That writ was denied. On a motion to dismiss in the Arapahoe County District Court, that court found as a matter of law that the father had submitted to the jurisdiction of the New Mexico court and that, therefore, it (the Arapahoe County District Court) now lacked jurisdiction over the proceedings. The proceedings in the Arapahoe County District Court were dismissed on December 12, 1979. That action is presently on appeal to the Colorado Court of Appeals.

father's affidavit of December 27, 1978, that his New Mexico counsel had in fact been authorized to enter into the custody agreement. On January 8, 1979, the New Mexico court found the father in contempt and entered a judgment in favor of the mother in the amount of $3,750.00 for her attorney's fees, for the father's willful failure to obey the order of December 13, 1978, and for the Guardian Ad Litem's fees. In addition, the court imposed a continuing civil contempt fine on the father of $500 for each day, after January 12, 1979, that he failed to return the children to the mother's custody. The opportunity was afforded the father to purge himself of the continuing contempt and fine simply by returning the children to the

mother. He did not choose to do so. On February 12, 1979, and again on March 13, 1979, the New Mexico court entered judgment on portions of the accrued fines. The fines for January 12 to January 31, 1979, were reduced to judgment in the total amount of $10,000.

On May 2, 1979, authenticated copies of the judgments of the New Mexico court were filed in the District Court of Denver under the provisions of the Act. Notice of the filing was mailed to the father at his last two known addresses. Within the ten-day time limit set by the Act,[4] the father filed a motion to dismiss. This motion was subsequently denied after hearing, as was the

4. Section 13-53-104(3), C.R.S. 1973.

father's motion to alter or amend the judgment or, in the alternative, for relief from the judgment. The father appeals from the order of the Denver District Court recognizing the New Mexico judgments and challenges the constitutionality of the Act itself.

I.

The appellant-father contends the court erred in recognizing the New Mexico judgments under the Act. The Act provides that any foreign judgment, which is entitled to full faith and credit in the courts of this state, shall have the same effect as a judgment of a court of this state when filed according to the procedures set out in the act. Section 13-53-103, C.R.S.

1973. Appellant contends that the New Mexico judgments are not entitled to full faith and credit under the United States Constitution, Article IV, section 1, for two reasons: first, he asserts that the New Mexico court did not have personal jurisdiction over him; and, second, he argues that the New Mexico judgments were not final judgments.[5] See Tucker v. Vista Financial Corp., 192 Colo. 440, 560 P.2d 453 (1977) and Gruber v. Wallner, 198 Colo. 235, 598 P.2d 135 (1979).

5. There may be many other reasons why foreign judgments are not entitled to full faith and credit. See generally Milliken v. Meyer, 311 U.S. 457, 61 S.Ct. 339, 85 L.Ed. 278 (1940) and Vennum v. Holmberg, 51 Colo. 306, 117 P. 169 (1911) 47 Am.Jur.2d Judgments §§1221, 1222 (1969).

A.

[1] Appellant argues that the New Mexico court had no personal jurisdiction over him. This contention is not supported by the record, which clearly indicates that he both personally and through his counsel had been intimately involved in the proceedings in New Mexico from their beginning. Immediately after the custody action was filed in New Mexico, appellant, through his counsel, moved to dismiss the action. He later filed a counter-petition in that action, seeking custody of both children. He was personally involved in negotiations which led to the ultimate custody decree. By these actions, appellant knowingly and voluntarily submitted to

the jurisdiction of the New Mexico court.[6] He purposely availed himself of the privilege of conducting activity within the forum state, thus invoking the benefit and protection of its laws. Hanson v. Denkla, 357 US. 235, 78 S.Ct. 1228, 2 L.Ed.2d 1283 (1958).

[2] Appellant also claims that the New Mexico judgments are not entitled to full faith and credit because he was never personally served with the orders surrounding the contempt proceedings. It should be noted at the outset that appellant was represented by counsel at

6. On October 19, 1979, appellant filed in the New Mexico court a Rule 60(b) N.M.R.C.P. motion to vacate the custody decree. In this motion he as much as admits that the New Mexico court had jurisdiction over him in the custody proceedings.

each of the hearings involving the contempt orders and fines although he was not personally present. Therefore, he cannot claim that he was not actually notified of the proceedings and that the New Mexico court had no jurisdiction to enter the contempt order. Moreover, a child custody proceeding is a continuing process in which the court retains jurisdiction over the parties. Quintana v. Quintana, 45 N.M. 429, 115 P.2d 1011 (1941) and see 1978 N.M.Stat. Ann. §40-4-7(C).

We hold that the New Mexico court had personal jurisdiction over the appellant, both to enter the stipulated Order of Custody, Visitation and Support and to deal with his noncompliance with that order.

B.

[3] Appellant also contends that the judgments of the New Mexico court are not final and, therefore, are not entitled to full faith and credit. Gruber, supra. Once more, the record does not support this claim.

The record shows that the liability for attorney's fees, the original contempt fine, and the Guardian Ad Litem's fee was determined by the court by the order of January 8, 1979, and made final and collectible without opportunity for any adjustment or purge by subsequent actions of the appellant. Similarly, $5,000 of the civil fines were reduced to judgment on February 19, 1979, and were specifically ordered "not subject to review or adjustment."

Another $5,000 were reduced to judgment and ordered to be final in the same manner on March 13, 1979.

Appellant points to language in the orders of February 19 and March 13, which ordered that "all further matters be and hereby are continued," as evidence that the money judgments of those dates are not final. This argument is also without merit. Properly construed, this provision of the orders pertains only to other matters contained in the ongoing dispute. It is clear that the fines were reduced to final judgments and are

not modifiable.[7] Therefore, the judgments are entitled to full faith and credit.

II.

[4] Appellant also challenges the constitutionality of the notice provisions of the Act. The Act requires only that the judgment debtor be notified by mail at his last known address. Appellant claims that the procedure of entering the judgment without formal notice or the requirement of a hearing is an unconstitutional taking of property without due process

7. Appellant has filed a motion to have the custody order overturned under Rule 60(b), N.M.R.C.P. By the terms of the rule itself, this motion does not affect the finality of the judgment or suspend its operation.

of law. See Fuentes v. Shevin, 407 U.S. 67, 92 S.Ct. 1983, 32 L.Ed.2d 556 (1972). We do not agree.

Fuentes, supra, and its progeny required only the pre-judgment garnishment and attachment procedures comport with the strict requirements of due process notice and hearing. This action involves a post-judgment procedure. The basic requirements of notice and hearing have been met by the original judgment. The appellee seeks merely to enforce her judgment against her ex-spouse.

It is not entirely clear what precisely requires by way of procedures for post-judgment filings such as

this.[8] However, when the creditor's interest in collecting a valid judgment is balanced against the debtor's interest in keeping his property, which has already been protected by prior notice and hearing, in our view, the due process requirements of the United States Constitution, amend. XIV, are satisfied by the procedures of the Act. The Act requires that notice be mailed to the last known address of the debtor and that there be a ten-day stay of execution. The act also has liberal

8. Compare Endicott Johnson Corp. v. Encyclopedia Press, Inc., 266 U.S. 285, 45 S.Ct. 61, 69 L.Ed. 288 (1924) with Griffin v. Griffin, 327 U.S. 220, 66 S.Ct. 556, 90 L.Ed. 635 (1946). See also Betts v. Tom, 431 F.Supp. 1369 (D. Hawaii 1977), for a discussion of the inconsistencies between those two decisions and their effect on due process analysis in the post-judgment remedy area.

provisions for an additional stay of enforcement of the judgment and for further hearings. While these procedures may not comply with the strict requirements of Fuentes, supra, those procedures are not required in post-judgment proceedings. See Dunham, Post Judgment Seizures: Does Due Process Require Notice and Hearing? 21 S.D.L.Rev. 78 (1976). We find that the procedures of the Act amply protect the appellant's due process rights. Bittner v. Butts, 514 S.W.2d 556 (Mo.1974).

The judgment is affirmed.

ARTICLE 53

Uniform Enforcement of Foreign Judgments

13-53-101. Short title. This article shall be known and may be cited as the "Uniform Enforcement of Foreign Judgments Act."

13-53-102. Definition. As used in this article, unless the context otherwise requires:

(1) "Foreign judgment" means any judgment, decree, or order of a court of the United States or of any other court which is entitled to full faith and credit in this state.

13-53-103. Filing and status of foreign judgments. A copy of any foreign judgment authenticated in accordance with the act of congress or the laws of this state may be filed in

the office of the clerk of any court of this state which would have had jurisdiction over the original action had it been commenced first in this state. A judgment so filed has the same effect and is subject to the same procedures, defenses, and proceedings for reopening, vacating, or staying as a judgment of the court of this state in which filed and may be enforced or satisfied in like manner.

13-53-104. Notice of filing. (1) At the time of the filing of the foreign judgment, the judgment creditor or his lawyer shall make and file with the clerk of court an affidavit setting forth the name and last known post-office address of the judgment debtor and the judgment creditor.

(2) Promptly upon the filing of the foreign judgment and the affidavit, the clerk shall mail notice of the filing of the foreign judgment to the judgment debtor at the address given and shall make a note of the mailing in the docket. The notice shall include the name and post-office address of the judgment creditor and the judgment creditor's lawyer, if any, in this state. In addition, the judgment creditor may mail a notice of the filing of the judgment to the judgment debtor and may file proof of mailing with the clerk. Lack of mailing notice of filing by the clerk shall not affect the enforcement proceedings if proof of mailing by the judgment creditor has been filed.

(3) No execution or other process for enforcement of a foreign judgment filed under this article shall issue until ten days after the date the judgment is filed.

13-53-105. Stay. (1) If the judgment debtor shows the court that an appeal from the foreign judgment is pending or will be taken or that a stay of execution has been granted, the court shall stay enforcement of the foreign judgment until the appeal is concluded, the time for appeal expires, or the stay of execution expires or is vacated upon proof that the judgment debtor has furnished the security for the satisfaction of the judgment required by the state in which it was rendered.

(2) If the judgment debtor shows the court any ground upon which enforcement of a judgment of a court of this state would be stayed, the court shall stay enforcement of the foreign judgment for an appropriate period upon requiring the same security for satisfaction of the judgment which is required in this state.

13-53-106. Fees. Any person filing a foreign judgment shall pay to the clerk of court fifteen dollars. Fees for docketing, transcription, or other enforcement proceedings shall be as provided for judgments of the court of this state.

13-53-107. Optional procedure. The right of a judgment creditor to bring an action to enforce his judgment instead

of proceeding under this article remains unimpaired.

13-53-108. Uniformity of interpretation. This article shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

IN THE SUPREME COURT

IN THE STATE OF COLORADO

No. 79 SA 398

CARROLYN L. GEDEON,
Now known as Carrie L. Rose,

Petitioner-Appellee,

vs.

WILLIAM L. GEDEON,

Respondent-Appellant.

NOTICE OF APPEAL TO THE
SUPREME COURT OF THE UNITED STATES

Notice is hereby given that William J. Gedeon, the respondent-appellant above-named, hereby appeals to the Supreme Court of the United States from the final judgment of the Supreme Court of the State of Colorado, entered June 22, 1981, affirming the judgment of District Court of the City and County of

Denver recognizing the judgment from the District Court of Bernalillo County, New Mexico, in the amount of $13,750.00.

This appeal is taken pursuant to 28 U.S.C., §1257(2).

HINSHAW & DULANEY, P.C.
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CERTIFICATE OF SERVICE

I hereby certify that I have served a true copy of the foregoing Notice of Appeal to the Supreme Court of the United States on the following by depositing same in the United States mail, postage prepaid, this ____ day of _____, 1981, addressed to:

Tallmadge, Tallmadge, Wallace & Hahn
JoAnn Weinstein
2400 Energy Center One
717 Seventeenth Street
Denver, Colorado 80202

Office of the Attorney General of
the State of Colorado
Attention: J. Stephen Phillips
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